IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITON (LOD) NO.119 OF 2006

The Commissioner of Customs (Imports) ..Petitioner.

V/s.

M/s. Hyundai Heavy Industries Co. Ltd. ..Respondent.

Mr.B.A.Desai, Additional Solicitor General with P.S. Jetly for petitioner.

Mr.Vikram Nankani V.Ramarao i/b. V.Ramarao & Co. for respondents.

CORAM : Dr.S.RADHAKRISHNAN & J.P.DEVADHAR, JJ.

DATED : 20TH JANUARY, 2006.

P.C. :-

1. Heard learned Additional Solicitor General for the petitioner and learned counsel for the respondents.

2. By this petition, the Commissioner of Customs (Imports) seeks an order to restrain the CESTAT, West Zonal Bench, Mumbai from hearing appeal No.C/1435-1461/ 2005 on several grounds.

3. Learned counsel for the respondents informed us that the application for the transfer of the appeal

before the CESTAT filed by the petitioner was rejected by the Tribunal on 6/1/2006 and thereafter, learned counsel for the Revenue has agreed and consented to continue with the appeal and accordingly the appeal was heard by the CESTAT from 6th January, 2006 to 19th January, 2006 and on conclusion of argument, the Tribunal has reserved the Judgment.

4. Although, the above contention was disputed, in the light of the order of the Tribunal dated 19/1/2006, the learned Additional Solicitor General for the petitioner sought permission to withdraw the petition keeping contentions of both parties open. Accordingly, the petition is allowed to be withdrawn and the same is dismissed as withdrawn with no order as to costs.

5. However, we make it clear that all the contentions of both the parties are kept expressly open.

(Dr.S.RADHAKRISHNAN,J.)

(J. P. DEVADHAR, J.)